

ZB# 01-37

Mt. Airy Estates

77-5-13

#01-37- Mt. Airy Estates

Area - 77-5-13

Prelim.
July 9, 2001.
Aps. - Finished
NO SHOD

Prelim.
March 11, 2002.

Public Hearing:
April 8, 2002.
Approved.

Refund \$ 194.00

APPLICATION FEE (DUE AT TIME OF FILING OF APPLICATION)

APPLICANT: Mt. Airy Estates

FILE# 01-37

RESIDENTIAL: \$50.00
INTERPRETATION: \$150.00

COMMERCIAL: \$150.00

AREA X

USE

APPLICATION FOR VARIANCE FEE \$ 50.00

* * *

ESCROW DEPOSIT FOR CONSULTANT FEES \$ 300.00

DISBURSEMENTS:

STENOGRAPHER CHARGES: \$4.50 PER PAGE

PRELIMINARY MEETING-PER PAGE 3/11/02-2 \$ 9.00
2ND PRELIMINARY- PER PAGE \$
3RD PRELIMINARY- PER PAGE \$
PUBLIC HEARING - PER PAGE 4/18/02-6 \$ 27.00
PUBLIC HEARING (CONT'D) PER PAGE \$
TOTAL \$ 36.00

ATTORNEY'S FEES: \$35.00 PER MEEETING

PRELIM. MEETING: ... 3/11/02 \$ 35.00
2ND PRELIM. \$
3RD PRELIM. \$
PUBLIC HEARING. ... 4/18/02 \$ 35.00
PUBLIC HEARING (CONT'D) \$
TOTAL \$ 70.00

MISC. CHARGES:

..... \$
TOTAL \$ 10.00

LESS ESCROW DEPOSIT \$ 300.00
(ADDL. CHARGES DUE) \$
REFUND DUE TO APPLICANT .. \$ 194.00

*paid ck #
101981
3/14/02
paid ck #
101982*

Town of New Windsor
555 Union Avenue
New Windsor, NY 12553
(845) 563-4611

RECEIPT
#294-2002

03/25/2002

New Windsor Development Co #01-37
Suite 100
570 West Mt. Pleasant Ave.
Livingston, NJ 07039

Received \$ 50.00 for Zoning Board Fees on 03/25/2002. Thank you for
stopping by the Town Clerk's office.

As always, it is our pleasure to serve you.

Deborah Green
Town Clerk

DATE
01/09/2002

INVOICE NO
20020901B

COMMENT
VARIANCE 77/05/13

AMOUNT
300.00

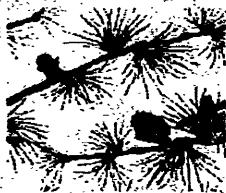
DISCOUNT
0.00

NET AMOUNT
300.00

New Windsor

CHECK: 101982 01/11/2002 0030150 TOWNSHIP OF NEW WINDSOR CHECK TOTAL: 300.00

ORIGINAL DOCUMENT PRINTED ON CHEMICAL REACTIVE PAPER WITH MICROPRINTED BORDER - SEE REVERSE SIDE FOR COMPLETE SECURITY FEATURES



New Windsor Development Co., LLC

Suite A
16 Microlab Road
Livingston, NJ 07039

VALLEY NATIONAL BANK
LIVINGSTON, NJ 07039

101982

PAY
AMOUNT OF *THREE HUNDRED AND XX / 100

01/11/2002

*****300.00*

TO THE
ORDER OF TOWNSHIP OF NEW WINDSOR

ZBA File # 01-37

THIS DOCUMENT CONTAINS HEAT SENSITIVE INK TOUCH OR PRESS HERE - RED IMAGE DISAPPEARS WITH HEAT

101982 0021201383 040782115

DATE
01/09/2002

INVOICE NO
20020901A

COMMENT
APPLICATION FEE 77/05/13

AMOUNT
50.00

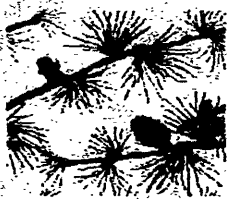
DISCOUNT
0.00

NET AMOUNT
50.00

New Windsor

CHECK: 101981 01/11/2002 0030150 TOWNSHIP OF NEW WINDSOR CHECK TOTAL: 50.00

ORIGINAL DOCUMENT PRINTED ON CHEMICAL REACTIVE PAPER WITH MICROPRINTED BORDER - SEE REVERSE SIDE FOR COMPLETE SECURITY FEATURES



New Windsor Development Co., LLC

Suite A
16 Microlab Road
Livingston, NJ 07039

VALLEY NATIONAL BANK
LIVINGSTON, NJ 07039

101981

PAY
AMOUNT
OF

*FIFTY AND XX/100

01/11/2002

*****50.00*

TO THE
ORDER
OF

TOWNSHIP OF NEW WINDSOR

ZBA file # 01-37

SECURED
SECURED

THIS DOCUMENT CONTAINS HEAT SENSITIVE INK. TOUCH OR PRESS HERE. RED IMAGE DISAPPEARS WITH HEAT.

⑈101981⑈ ⑆021201383⑆ 040⑈78211⑈5⑈

-----X
In the Matter of the Application of

MT. AIRY ESTATES, INC.

#01-37.

MEMORANDUM
OF DECISION
GRANTING
VARIANCES

-----X
WHEREAS, MT. AIRY ESTATES, INC., 2375 Hudson Terrace, Fort Lee, New Jersey 07631, has made application before the Zoning Board of Appeals for a 6 ft. front yard and 1 ft. rear yard variance for front and rear decks at 2103 Patriots Court, in an R-3 zone; and

WHEREAS, a public hearing was held on the 8th day of April, 2002 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, Larry Wolinsky, Esq. and Marvin Rosenswag, builder, appeared in behalf of this Application; and

WHEREAS, there were no spectators appearing at the public hearing; and

WHEREAS, no one spoke in opposition to the Application; and

WHEREAS, a decision was made by the Zoning Board of Appeals on the date of the public hearing granting the application; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor sets forth the following findings in this matter here memorialized in furtherance of its previously made decision in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and in The Sentinel, also as required by law.

2. The evidence presented by the Applicant showed that:

(a) The property is a one-family home located in a neighborhood of one-family homes.

(b) The home located on the property is a one-family home under construction. During the construction, the builder had to raise the house to alleviate a drainage concern. Due to the raising of this house, it was necessary that the builder place steps in front of the house for access.

(c) The deck or platform is required for the rear of the house for safety as a person exiting the rear of the proposed dwelling without the deck or platform would probably sustain serious injury.

(d) Because of the location of this property, the difficulties encountered by the Applicant are not applicable to the neighboring properties and are, therefore, unique.

(e) Neither encroachment were built on top of any water or sewer easement, or any well or septic system.

WHEREAS, The Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law here memorialized in furtherance of its previously made decision in this matter:

1. The variances will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.

2. There is no other feasible method available to the Applicant that can produce the benefits sought.

3. The variances requested are substantial in relation to the Town regulations, but nevertheless are warranted.

4. The requested variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.

5. The difficulty the Applicant faces in conforming to the bulk regulations is self-created but nevertheless should be allowed.

6. The benefit to the Applicant, if the requested variances are granted, outweigh the detriment to the health, safety and welfare of the neighborhood or community.

7. The interests of justice will be served by allowing the granting of the requested area variances.

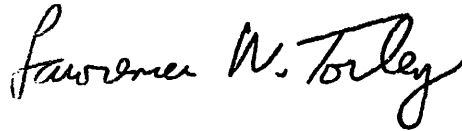
NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for a 6 ft. front yard and 1 ft. rear yard variance for front and rear decks, at 2103 Patriots Court, in an R-3 zone, as sought by the Applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

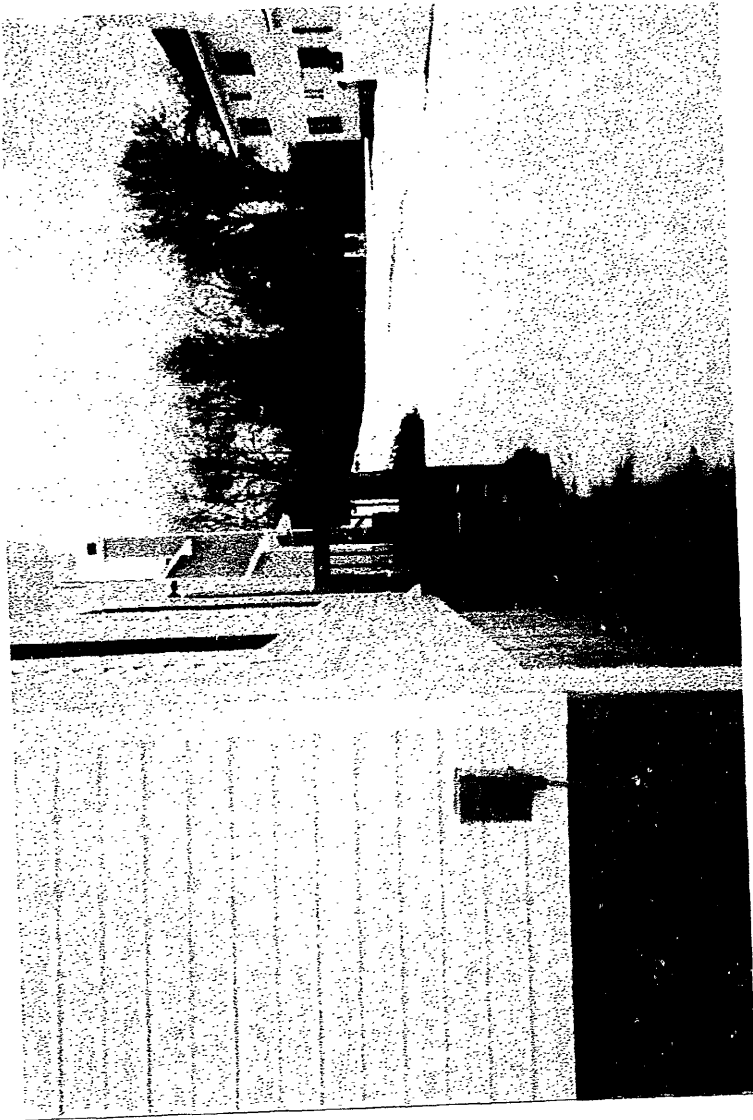
BE IT FURTHER

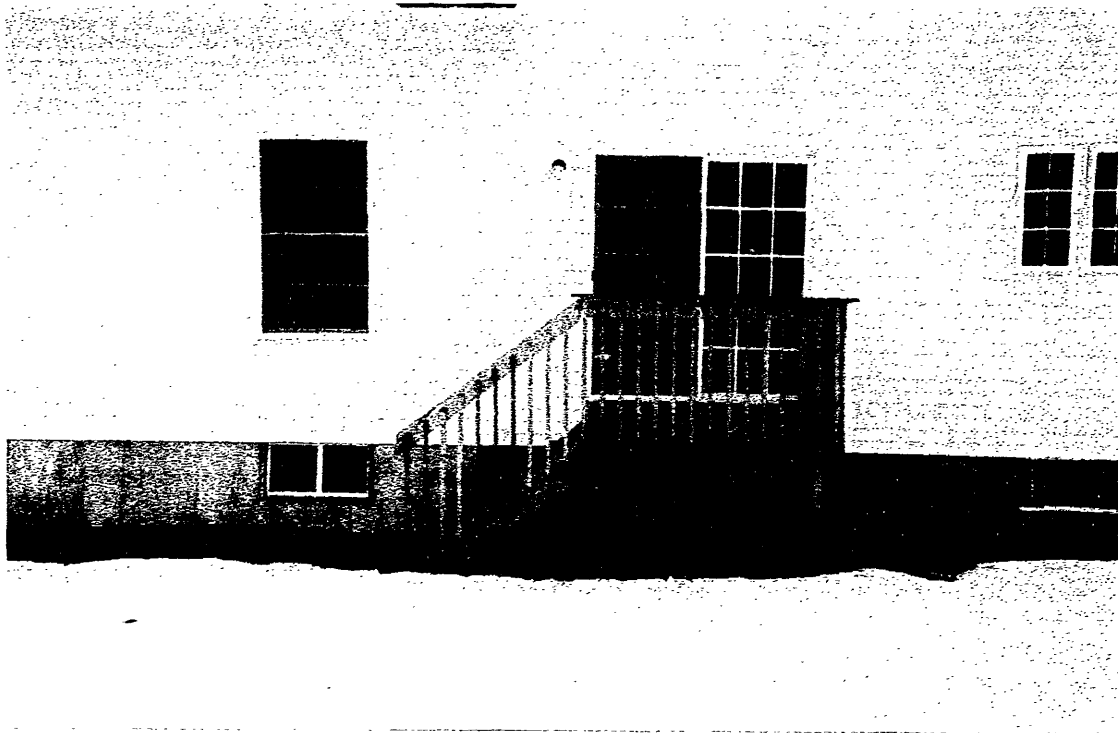
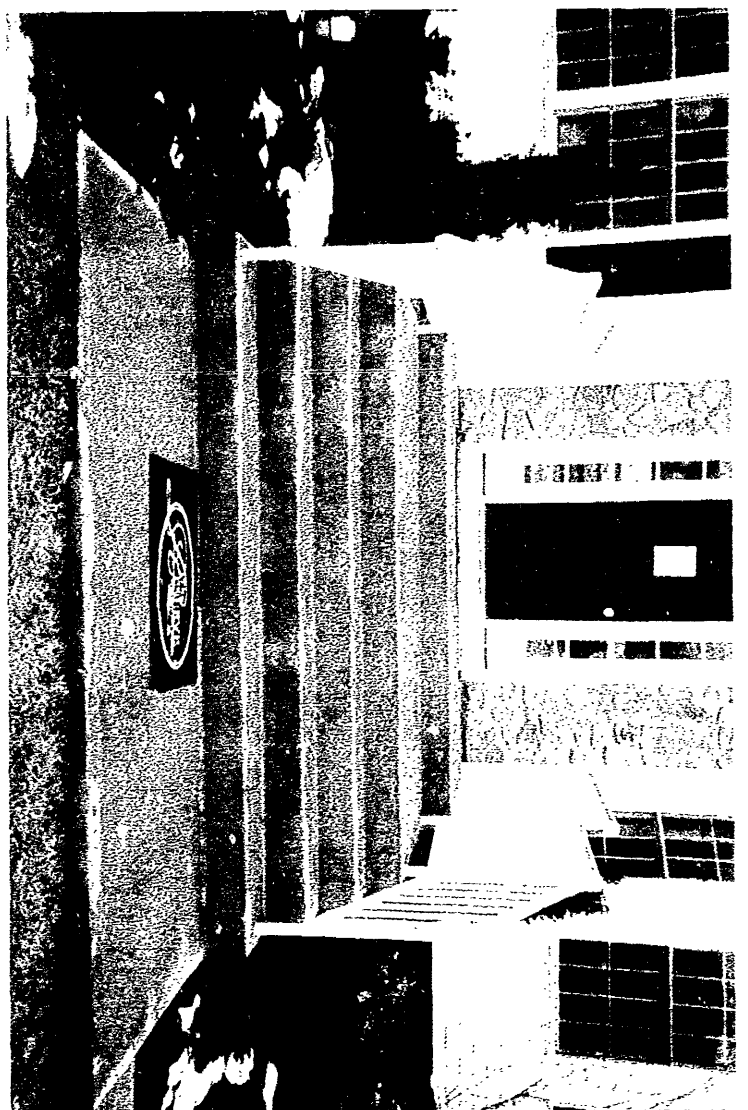
RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and Applicant.

Dated: June 24, 2002.

A handwritten signature in cursive script, reading "Lawrence W. Torley".

Chairman







Date April 29, 2002

TOWN OF NEW WINDSOR

**TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553**

TO New Windsor Development Co, LLC DR.
Suite A 16 Microhab Rd
Livingston, NJ 07039

[illegible]

Date 7/22/02

TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

TO DR.

DATE			CLAIMED	ALLOWED
4/8/02	Zoning Board Mtg		75 00	
	Misc.			
	App - 2			
	Ball - 4			
	Meyer - 2			
	Smith - 3			
	Brown - 12			
	Mt. Aery estates - 6			
	Dotter - 52		148 50	
	<u>33</u>		<u>223 50</u>	

MT. AIRY ESTATES

Larry Wolinsky, Esq. appeared before the board for this proposal.

MR. TORLEY: Request for 6 ft. front yard and 1 ft. rear yard variance for front and rear decks at 2103 Patriot's Court in an R-3 zone. We're not going to look kindly if we find these houses--

MR. WOLINSKY: Let me, this is Marvin Rosenswag, is the construction supervisor. I heard you say that concern at the last meeting, so I brought him to explain to you why it happened and why it won't happen in the future so--

MR. ROSENSWAG: And hasn't happened since then.

MR. WOLINSKY: So what I have done is mounted the photographs which you probably have as part of your application package so he can explain to you what happened.

MR. ROSENSWAG: This is the second house that we did and when I first put the footing in, I didn't realize that I was going to have a problem with drainage which caused me to raise the house up and as a result, I needed to have more steps to get out of the house and what happened was as you see, I had more steps in than I intended and I misread the ordinance. I didn't realize that they had a situation like this that was the proper way to do it where the grade was right about there and it was considered like the sidewalk and it wouldn't be a problem, so I didn't realize at that point. But since that time, I haven't had that problem anymore cause I now understand after the first time I made a mistake, I understand what the ordinance entailed so I'm asking that because I have this porch relief that it could be allowed to remain and as long as we're there, we have the situation in the back where you can see all I have is a platform where you walk out of the house and then you go from the steps and this is actually three foot wide, you can't tell from the picture.

MR. KRIEGER: This being the platform?

MR. ROSENSWAG: Right and stairs go off the side here, I didn't try to take it all the way back even further, all I did was try to have--

MR. KRIEGER: Space to have access?

MR. ROSENSWAG: I think you prefer it that way, that there's a platform when you can have one?

MR. BABCOCK: Yes.

MR. ROSENSWAG: That's why I did that but as long as I'm going for the variance for this, I'd like to go--

MR. TORLEY: You have to because it won't be legal otherwise. Now, here's what my problem is, that's why I want you to be very careful in your answer, I'm looking at this house and you put the house up so that that three foot wide deck off of an upper story doors or above ground doors, you're asking for a variance for that, no other house that you're going to construct or permit to be constructed on this property on your development will be in this kind of situation?

MR. ROSENSWAG: Well, if there's room where I have the room.

MR. TORLEY: No, you will not be putting up houses that have that.

MR. WOLINSKY: What's the solution, why is this not going to happen again?

MR. ROSENSWAG: Because I will have the room or if I don't have the room, all I have is a set of stairs without a platform and that's--

MR. TORLEY: See the problem I have is not you necessarily, other builders in the past have sometimes put up bi-levels and they put the bi-level up at the setback point and with the sliding glass doors and people put decks, every one of the decks are illegal cause the builder didn't give him any room to do it

legally.

MR. ROSENSWAG: I'm not putting any decks up.

MR. TORLEY: Is your architecture going to be the kind that comes with a deck when the house is built? I mean bi-levels have decks.

MR. ROSENSWAG: I'm not building decks for anybody unless there's room to build a deck within the setback lines.

MR. TORLEY: And you're going to be, and the architecture that, if there's not room for a setback line because these are very small lots, the architecture that you will be putting in will be of a kind that would not normally have a deck?

MR. ROSENSWAG: That's correct, I either have this or it's a straight set of stairs, that's it

MR. TORLEY: We're going to hold you to that.

MR. ROSENSWAG: That's all I'm doing. I'm way into the job already passed this stage.

MR. TORLEY: I'm really looking more at these lots which are even smaller, those are the ones that frankly have some concern about how you're going to fit a house on those and a deck and be within the front and side and rear yard setbacks.

MR. ROSENSWAG: Which lots?

MR. TORLEY: The ones back out here.

MR. ROSENSWAG: Because I already have worked on lots that are the actually quarter of an acre that are a hundred by a hundred and those are the ones I'm making sure that I don't have that problem. No, I have already seen where once this happened to me where I saw I was going to have a problem, I already ripped out porches to make sure that they'll be right.

MR. WOLINSKY: I agree with your concern, by the way,

that it shouldn't be a problem that gets multiplied over the course of the development so that you'd defeat the zoning law.

MR. TORLEY: When you sell a house to someone back there, you're going to inform them that gee, you can't put a deck on the back of your house?

MR. ROSENSWAG: Unless you go for a variance. As a matter of fact, the person next to our property was already in here for a variance.

MR. WOLINSKY: We can't prevent them from coming to you.

MR. TORLEY: I want them to be aware.

MR. ROSENSWAG: They are asking why they can't have a deck, I say I'm not building a deck for you because I need a variance to build a deck.

MR. TORLEY: As long as they're aware it. Gentlemen, any questions or open it up to the public? Is there anyone in the audience who wishes to speak on this matter? Let the record show there is none and that there were 17 addressed envelopes mailed out on the 18th day of March. You're lucky the houses aren't built up around there, you'd be mailing out 300 of them. Public hearing is now closed and open it back up to the members of the board. Gentlemen, accept a motion.

MR. REIS: It's unfortunate, I will just make a comment, it's unfortunate that the future owners of these properties are going to be so restricted and have to go through this process to be able to enjoy their back yard or a deck, but you're doing what you have to do so it's all legal.

MR. ROSENSWAG: They're getting a nice house, though.

MR. TORLEY: Make sure you inform all your purchasers about the setback requirements and that they, the fact they would have to get a variance does not mean that they're going to get one, they should be aware that,

frankly, I'm a little, I'm distressed about these lots being the size, everybody that wants a deck is going to come for a variance and they're not going to get them.

MR. BABCOCK: If you look at the house layouts, typical bi-level, typically, the deck's on the second floor where if you wanted to enjoy a patio, you'd have to go down a complete flight of stairs, these houses range from one or two to three steps going out the back door so if they put a flagstone or brick paver patio which is easily accessible that's what they're all going to wind up having to do today, most people are doing that, unless they're on the second floor.

MR. WOLINSKY: Mike's point is a lot of them are at grade, when they're at grade, you can just walk out.

MR. TORLEY: I don't want people coming in three years after they bought the house to put up a deck and say gee, what do you mean, I can't put a deck up.

MR. ROSENSWAG: They're all familiar that, they're familiar with the situation, it's not that we're hiding something from them.

MR. TORLEY: As I said, you're not, the architecture to the house is not such that would naturally come with a deck.

MR. BABCOCK: That's correct.

MR. TORLEY: Water and sewer, this front and rear accouterments do not cross water or sewer lines?

MR. ROSENSWAG: No.

MR. TORLEY: Cause any drainage problems?

MR. WOLINSKY: No.

MR. TORLEY: This is unique to the property so it's not like other properties there, this is unique.

MR. ROSENSWAG: Right, I don't have this situation on any of the others, I didn't realize that the house was

going, it's in the beginning and I didn't realize I had a drainage issue that I had to raise the house up and create more steps than what's normal, first house that I did only has one step going in.

MR. WOLINSKY: From an impact standpoint it's a very mild, I mean, nicely landscaped, the front.

MR. TORLEY: Looking at the back has me concerned when I saw that.

MR. ROSENSWAG: I think the back looks better than the picture, it only looks like it's one foot wide but it's really three foot wide.

MR. WOLINSKY: It's better to give them a platform for safety.

MR. TORLEY: I understand that's a requirement for safety but--

MR. WOLINSKY: Understood.

MR. RIVERA: Make a motion that we grant Mt. Airy Estates a request for 6 foot front yard and one foot rear yard variance for the front and rear decks at 2103 Patriot's Court.

MR. REIS: Second it.

ROLL CALL

MR. RIVERA	AYE
MR. REIS	AYE
MR. TORLEY	AYE

**OFFICE OF THE BUILDING INSPECTOR
TOWN OF NEW WINDSOR
ORANGE COUNTY, NEW YORK**

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

**APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT (845) 563-4630 TO
MAKE AN APPOINTMENT WITH THE ZONING BOARD OF APPEALS.**

*Party
Crossetti*

DATE: 5/22/01

APPLICANT: Mt. Airy Estates
2375 Hudson Terrace
Fort Lee, NJ 07631

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE:

FOR : New One Family House

LOCATED AT: 2103 Patriots Court

ZONE: R-3 Sec/ Blk/ Lot: 77-5-13

DESCRIPTION OF EXISTING SITE: Existing one family house

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

1. Existing front deck does not meet minimum front yard set back of 25ft.
2. Existing rear deck does not meet minimum rear yard set back of 30ft.


BUILDING INSPECTOR

PERMITTED: Front 25ft
Rear 30ft

PROPOSED OR
AVAILABLE:

VARIANCE
REQUEST:

ZONE: R-3 USE: See original site plan approval

MIN LOT AREA:

MIN LOT WIDTH:

25FT REQ'D FRONT YD:

19ft

6ft

REQ'D SIDE YD:

REQ'D TOTAL SIDE TD:

30FT REQ'D REAR YD:

29ft

1ft

REQ'D FRONTAGE:

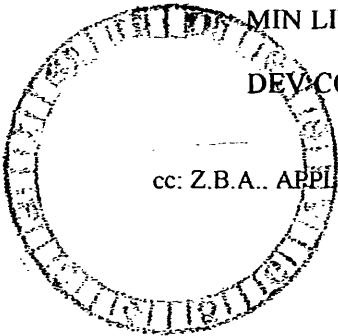
MAX BLDG HT:

FLOOR AREA RATIO:

MIN LIVABLE AREA:

DEV. COVERAGE:

cc: Z.B.A.. APPLICANT, FILE, W/ ATTACHED MAP





BUILDING PERMIT

The New Windsor Building Department, Town of New Windsor, County of Orange, State of New York hereby issues permit for the structure building described herein:

Permit Number: 556-2000 Type of Permit: 1 Family Dwell
 Issuance Date: June 30, 2000 Permit Expiration Date: December 30, 2001
 Permit Fee: \$ 990.00

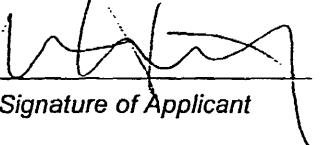
Section/Block/Lot: 77-5-13
 Street Address of Property: 2103 PATRIOTS COURT
 Property Owners Name: MT AIRY EST INC
 Property Owners Address: 2375 HUDSON TERR FORT LEE NJ
 Occupant's Name: MT. AIRY ESTATES INC

NYS Occupancy Classification: A1 1-family
 Description of Work: ONE FAMILY BUILDERS LOT#8

Dimensions of Building: 53 x 53 x 0 x 0

Comments:

I am familiar with the Zoning/Building Ordinance of the Town of New Windsor and the New York State Uniform Fire Prevention and Building Code requirements and do hereby agree to abide by them. The information stated above is correct and accurate.







 Signature of Applicant






FILE COPY

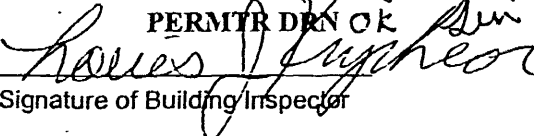
A permit, under which no work has commenced within six (6) months after issuance, shall expire by limitation. Furthermore a permit that no Certificate of Occupancy or Certificate of Compliance has not been issued within eighteen (18) months after issuance shall expire by limitation. Under either circumstance a new building permit shall be secured before work can begin or be completed.

It is the responsibility of the Owner/Occupant and/or Contractor to comply with all applicable Town of New Windsor ordinances. Notification requests for inspection must be made at least 24 hours in advance to (914) 563-4618. Voice mail requests for inspection will not be scheduled. YOU MUST HAVE YOUR BUILDING PERMIT NUMBER AVAILABLE when calling for any inspections or inquiries.

You must call for inspections for the following phases:

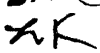
CO FINAL -  - VAWWZ Needed
 FOOTINGS -  - NEED ENG. LETTER 
 SLAB -  8-17-2000
 PERMIT DEN OK  8-17-2000

7/31/00 OK TO ABUT WALLS 
 FRAMING  9/26/00 OK 
 PLUMBING 11/27/00 OK 
 INSULATION - 11/27/00 OK 

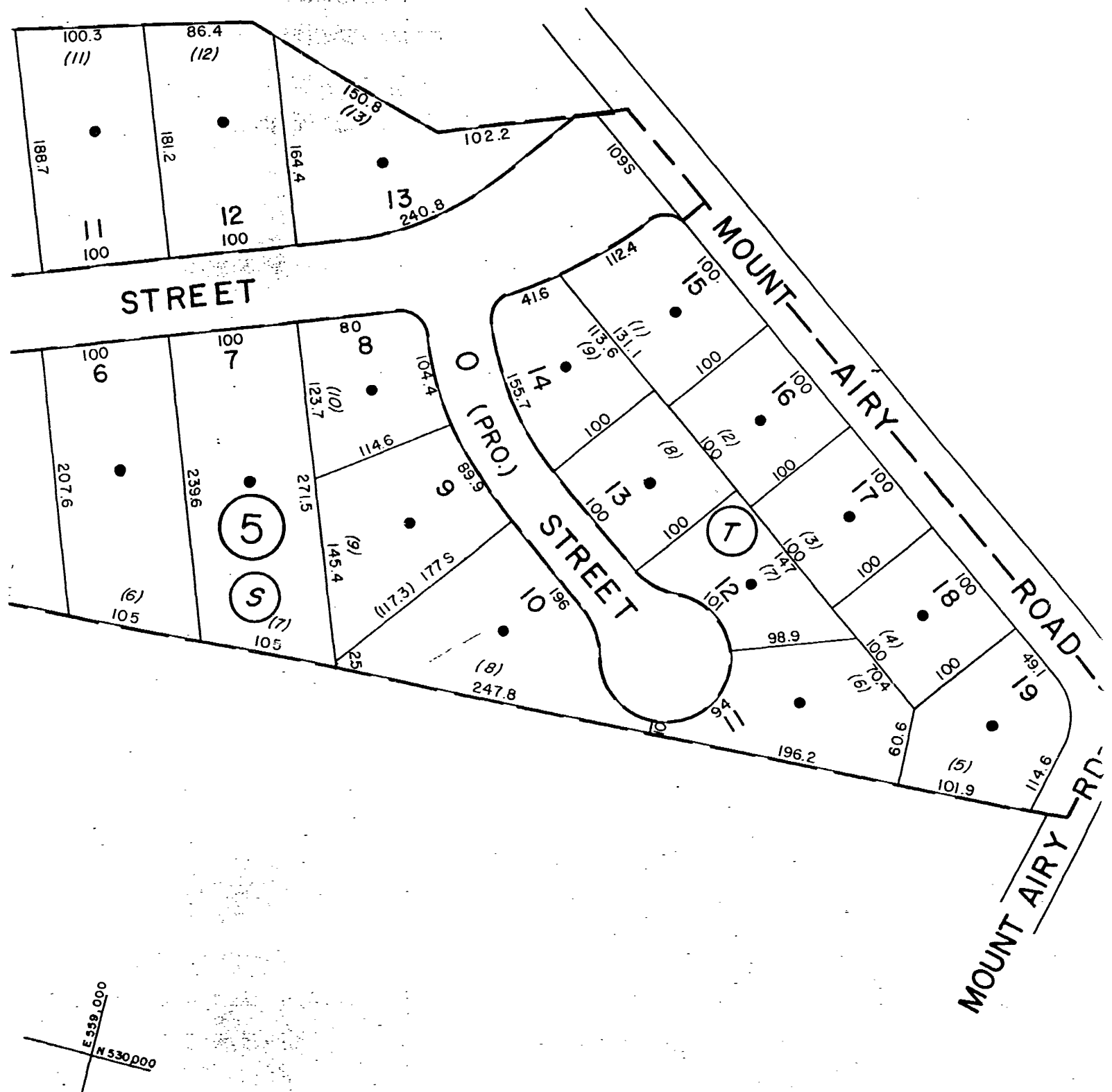

 Signature of Building Inspector

GARAGE SLAB OK 10-11-2000

A Certificate of Occupancy or Certificate of Compliance will only be issued after affidavits or other competent evidence is submitted to the Building Inspector that the completion of the construction is in compliance with the NYS Uniform Fire Prevention and Building Code Requirements, Zoning Laws and with other laws, ordinances or regulations affecting the premises, and in conformity with the approved plans and specifications. A final electrical, plumbing, heating or sanitation certificate or other evidence of compliance may be required before the issuance of the Certificate of Occupancy or Compliance.

IN 8/2000 - CHANGE HIGH HATS BY FIREPLACE TO INSULATION CONTACT
 CLEAN FIVE PIPES OF SAND/ST BLOCK UNDER JACK STUDS FOR 10' HEADER IN
 MASTER BEDROOM + LIVING ROOM 

SECTION 65



- Pls. publish immediately. Send bill to: Jacobowitz & Gabits
P.O. Box 367
Walden NY 12586

PUBLIC NOTICE OF HEARING

ZONING BOARD OF APPEALS

TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing pursuant to Section 48-34A of the Zoning Local Law on the following Proposition:

Appeal No. 37

Request of Mt. Airy Estates

for a VARIANCE of the Zoning Local Law to Permit:

existing front and rear decks on a 2 story framed single family

detached dwelling in the Mt. Airy Estates Subdivision, with insufficient front and rear yards;

being a VARIANCE of Section 48-9 "Table of Use/Bulk Regulations" -Cols.
E & G

for property situated as follows:

2103 Patriots Court, New Windsor, New York

known and designated as tax map Section 77, Blk. 5 Lot 13

PUBLIC HEARING will take place on the 8th day of April, 2002 at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York beginning at 7:30 o'clock P.M.

Lawrence Torley
Chairman

By: Patricia A. Corsetti, Secy.

ZONING BOARD OF APPEALS:TOWN OF NEW WINDSOR
COUNTY OF ORANGE:STATE OF NEW YORK

-----X

In the Matter of the Application for Variance of

Mt. Airy Estates, Inc.

01-37

AFFIDAVIT OF
SERVICE
BY MAIL

-----X

STATE OF NEW YORK)

) SS.:

COUNTY OF ORANGE)

PATRICIA A. CORSETTI, being duly sworn, deposes and says:

That I am not a party to the action, am over 18 years of age and reside at
7 Franklin Avenue, New Windsor, N. Y. 12553.

That on the 18th day of March, 2002, I compared the 17
addressed envelopes containing the Public Hearing Notice pertinent to this case
with the certified list provided by the Assessor regarding the above application
for a variance and I find that the addresses are identical to the list received. I
then caused the envelopes to be deposited in a U.S. Depository within the Town
of New Windsor.

Patricia A. Corsetti

Sworn to before me this

____ day of _____, 20____.

Notary Public



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (914) 563-4631
Fax: (914) 563-4693

Assessors Office

February 6, 2002

(17)

Jacobowitz & Gubits
158 Orange Avenue
Walden, NY 12586

Re: 77-5-13

Dear Sirs:

According to our records, the attached list of property owners are within five hundred (500) feet of the above referenced property.

The charge for this service is \$35.00, minus your deposit of \$25.00.

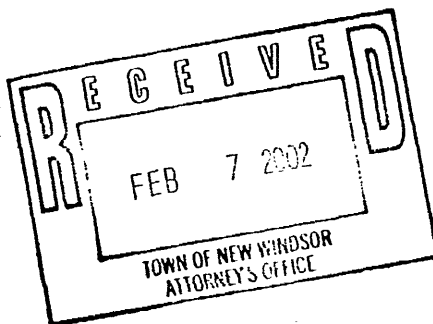
Please remit the balance of \$10.00 to the Town Clerk's Office.

Sincerely,

Leslie Cook
Sole Assessor

LC/lrd
Attachments

CC: Pat Corsetti, ZBA



32-2-53
Newburgh Water Supply
City Hall
Newburgh, NY 12550

65-1-62
Town of New Windsor
555 Union Avenue
New Windsor, NY 12553

65-1-64
Wilma Fehrs
404 Jacqueline Avenue
Virginia Beach, VA 23462

77-4-11
John Donnellan
Hope Lanzetta
2006 Independence Drive
New Windsor, NY 12553

77-4-12
George & Catherine Cutrone
2004 Independence Drive
New Windsor, NY 12553

77-4-13
Giuseppe & Marie Fiumara
2002 Independence Drive
New Windsor, NY 12553

77-5-6
Alex & Regina Devia
2009 Independence Drive
New Windsor, NY 12553

77-5-7
Jorge Hernandez
Martha Ruiz
2007 Independence Drive
New Windsor, NY 12553

77-5-8
Robert Kretschmer
Deborah Debiak
2102 Patriots Court
New Windsor, NY 12553

77-5-9
Tracy & Emma Curran
2104 Patriots Court
New Windsor, NY 12553

77-5-10
Andrea Marino Fleming
2106 Patriots Court
New Windsor, NY 12553

77-5-11
Stanford Harewood
Valerie Gray-Harewood
2107 Patriots Court
New Windsor, NY 12553

77-5-16
Christopher & Helen Lynch
630 Mt. Airy Road
New Windsor, NY 12553

77-5-17
Vincent & Kathryn D'Amato
634 Mt. Airy Road
New Windsor, NY 12553

77-5-18
James & Erin Cosgrove
638 Mt. Airy Road
New Windsor, NY 12553

77-5-19
Joseph & Shivaun Fiumara
642 Mt. Airy Road
New Windsor, NY 12553

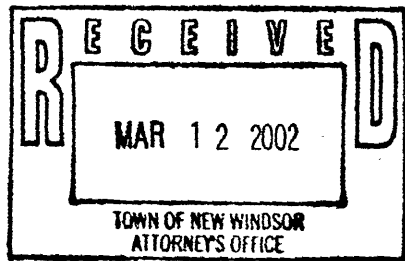
85-1-7
Michael & Gertrude Gonzo
123 Dean Hill Road
New Windsor, NY 12553

Pat

3/12/02

I know I didn't have an appt. with you but I had to come to New Windsor anyway and figured I would drop off the packet for Patriots Court. Please let me know if you need the original or if what I left is sufficient.
I can be reached at 778-2121 ext. 281.

Thanks Lura



Fees:

\$50.00

&

\$300.00

Separate checks - Payable to TNW
Additions to legal.

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE

01-37

Date: 3/18/02

I. Applicant Information:

- (a) Mt. Airy Estates, 2375 Hudson Terrace, Fort Lee, NJ 07631 (845) 567-4347
(Name, address and phone of Applicant) (Owner)
- (b) N/A
(Name, address and phone of purchaser or lessee)
- (c) Jacobowitz & Gubits, LLP., 158 Orange Ave., Walden, NY 12586 (845) 778-2121
(Name, address and phone of attorney)
- (d) Marvin Rozenzweig - (same address and number as owner)
(Name, address and phone of contractor/engineer/architect)

II. Application type:

- () Use Variance () Sign Variance
(X) Area Variance () Interpretation

III. Property Information:

- (a) R-3 2103 Patriots Court 77-5-13 .23±
(Zone) (Address) (S B L) (Lot size)
- (b) What other zones lie within 500 ft.? None
- (c) Is a pending sale or lease subject to ZBA approval of this application? No
- (d) When was property purchased by present owner? Mid 70s±
- (e) Has property been subdivided previously? Yes
- (f) Has property been subject of variance previously? No
If so, when? _____
- (g) Has an Order to Remedy Violation been issued against the property by the Building/Zoning Inspector? No
- (h) Is there any outside storage at the property now or is any proposed? Describe in detail: No

IV. Use Variance. N/A

- (a) Use Variance requested from New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____, to allow:
(Describe proposal) _____

(b) The legal standard for a "use" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.

(c) Applicant must fill out and file a Short Environmental Assessment Form (SEQR) with this application. NOTE: SEQR Compliance not required for a setback/lot line variance.

(d) The property in question is located in or within 500 ft. of a County Agricultural District: Yes No x.

If the answer is Yes, an agricultural data statement must be submitted along with the application as well as the names of all property owners within the Agricultural District referred to. You may request this list from the Assessor's Office.

V.. Area variance:

(a) Area variance requested from New Windsor Zoning Local Law, Section 48-9, Table of Use/Bulk Regs., Col. E & G.

<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area _____	_____	_____
Min. Lot Width _____	_____	_____
Reqd. Front Yd. <u>25'</u>	<u>19'</u>	<u>6'</u>
Reqd. Side Yd. _____	_____	_____
Reqd. Rear Yd. <u>30'</u>	<u>29'</u>	<u>1'</u>
Reqd. Street Frontage* _____	_____	_____
Max. Bldg. Hgt. _____	_____	_____
Min. Floor Area* _____	_____	_____
Dev. Coverage* _____ %	_____ %	_____ %
Floor Area Ratio** _____	_____	_____
Parking Area _____	_____	_____

* Residential Districts only

** No-residential districts only

(b) In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; (3)

whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created. Describe why you believe the ZBA should grant your application for an area variance:

(see attached sheet)

(You may attach additional paperwork if more space is needed)

VI. Sign Variance: N/A

(a) Variance requested from New Windsor Zoning Local Law, Section _____, _____ Regs.

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Sign 1	_____	_____	_____
Sign	_____	_____	_____
Sign 3	_____	_____	_____
Sign	_____	_____	_____
	_____	_____	_____
	_____	_____	_____

(b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or over size signs.

(c) What is total area in square feet of all signs on premises including signs on windows, face of building, and free-standing signs?

VII. Interpretation. N/A

(a) Interpretation requested of New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____.

(b) Describe in detail the proposal before the Board:

VIII. Additional comments:

(a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or

upgraded and that the intent and spirit of the New Windsor Zoning is fostered. (Trees, landscaping, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)

(see attached sheet)

IX. Attachments required:

- ☒ Copy of referral from Bldg./Zoning Insp. or Planning Bd.
- ☒ Copy of tax map showing adjacent properties.
- * Copy of contract of sale, lease or franchise agreement.
- * Copy of deed and title policy.
- ☒ Copy(ies) of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot in question.
- ☒ Copy(ies) of sign(s) with dimensions and location.
- ☒ Two (2) checks, one in the amount of \$~~25.00~~^{50.00} and the second check in the amount of \$~~50.00~~^{50.00}, each payable to the TOWN OF NEW WINDSOR.
- ☒ Photographs of existing premises from several angles.

* No contract of sale or deed exists. The subject property is part of a filed subdivision map for Mt. Airy Estates.

X. Affidavit.

Date: February 1, 2002

STATE OF NEW YORK)
) SS.:
COUNTY OF ORANGE)

The undersigned applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his/her knowledge or to the best of his/or information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance granted if the conditions or situation presented herein are materially changed.

JACOBOWITZ AND GUBITS, LLP.
Attorney for Mt. Airy Estates

(Applicant)
BY: Larry Wolinsky

Sworn to before me this

1st day of February, 2002

XI. ZBA Action:

(a) Public Hearing date: _____

TRICIA A McMORRIS
Notary Public, State of New York
No. 01MC6015437
Qualified in Ulster County
Commission Expires October 28, 2002

ADDENDUM FOR AREA VARIANCE APPLICATION MOUNT AIRY ESTATES - THE RESERVE

Introduction:

This application is for two minor area variances for the residence located at 2103 Patriots Court in the development known as The Reserve. The residence currently serves as a model for the development. The area variances required are (1) a 6 foot front yard variance and (2) a 1 foot rear yard variance. The front yard variance is necessitated by the encroachment of the front concrete stoop into the front yard setback. The rear yard variance is necessitated by the encroachment of the back door stairway into the required rear yard. These encroachments are the result of the builder's misinterpretation of area requirements for front and rear yard entry ways when building first started at the development. The Building Department brought the matter to the builder's attention and all subsequent homes have been built without the need for variances.

Area Variance Criteria:

- (1) Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by granting the variance.

The requested variances are so minor that there will be no discernable change to the character of the neighborhood. As depicted in the accompanying photographs, the front staircase is in complete character with the residence. It is centered within the lot and has absolutely no impact or effect on nearby properties. It is located a considerable distance (across Patriots Court) from the nearest front yard of a facing residence. It is also landscaped on both sides which provides buffer from side adjoining residences. The rear stair is also in character with the residence and is sited so that it does not encroach on nearby residential properties. In scale and mass, it is no different than other such structures in the neighborhood. It is also separated from the nearest adjoining rear residence by a fence(See Photographs).

- (2) Whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance.

The only means to resolve the encroachments would be to physically remove them and reconstruct them at the premises. Such action would be extremely costly and would make no sense in light of the fact that no nearby residences are adversely impacted by the grant of the variance.

- (3) Whether the requested area variance is substantial.

The requested area variances are insubstantial both volumetrically and because no adverse impacts can be identified which would result from the variances.

- (4) Whether the proposed variance will have an impact on the physical or environmental conditions in the neighborhood or district.

The requested variances have no identifiable environmental impacts to the neighborhood or zoning district. This is due to their minor nature and the fact that they are typical residential elements located deep within the existing residential lot. It is further noted that setback variances such as these are deemed as Type II actions for purposes of SEQRA and therefore have legislatively been determined to cause no significant impact on the environment.

- (5) Whether the alleged difficulty was self created.

As noted above, the variances were necessitated by the builder's misinterpretation of the zoning requirements for front and rear yard entry ways. This occurred at the outset of the project and has been rectified for all other residences. Although self created hardship prevents the grant of a use variance, it does not prevent the grant of area variances such as are being requested here.

Conclusion:

The variances requested are minor and have no adverse impacts on the neighborhood or on adjoining residences. To remedy the situation the builder would have to remove the existing built features at considerable expense. Balancing these factors, it is clear that the benefit to the applicant, if the variances are granted, far outweigh the detriment to the neighborhood or community. The variances should therefore be granted.

Date 3/13/12

TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

TO (Frances Roth)
100 N. Dairy Lane DR.
NEW WINDSOR, N.Y. 12550

DATE			CLAIMED	ALLOWED
3/11/12		Zoning Board Mtg	75.00	
		Misc. 3		
		M.H. Dry Estates - 2	9.00	
		Coplan - 4		
		Patterson - 3		
		Braun - 3		
		Cleaves/Gutt - 4		
		Digratu - 9		
		Dean - 1		
		Fidanza - 7		
		36	110.20	
			237.00	

PRELIMINARY MEETING:

MT. AIRY ESTATES

Lawrence Wolinsky, Esq. appeared before the board for this proposal.

MR. TORLEY: Request for 6 ft. front yard and 1 ft. rear yard variances for front and rear decks at 2103 Patriot Court in an R-3 zone.

MR. WOLINSKY: I'm here on behalf of the applicant and I believe principally we're here to answer any initial questions and get a public hearing schedule. These are two very minor and benign variances resulting out at the Reserve which is Mt. Airy Estates. As you pointed out one is a one foot rear yard variance resulting from an encroachment by a wooden deck and second one is 6 foot front yard variance resulting from a concrete stoop.

MR. TORLEY: My only concern really on these is this is not going to be a continual matter in Mt. Airy Estates?

MR. WOLINSKY: Absolutely not.

MR. TORLEY: Houses are going to be built as they go in will fit within the district?

MR. WOLINSKY: Yes. This was a builder's, this was the model and it was the builder's misinterpretation of whether something such as porch or a stoop could encroach into the front yard. I think the building inspector has set him straight and everything.

MR. KANE: Cause honestly you probably we won't look favorably coming in forever.

MR. WOLINSKY: I understand.

MR. TORLEY: There have been builders, what I call bi-levels with the back of the bi-level at the rear yard line so you couldn't put a deck off the second story legally, that's not the thing we're going to tolerate.

MR. WOLINSKY: This is a one foot encroachment into a 30 foot setback, so this really is a, you know, it's a minor kind of variance and it's not, you know, but I hear your message and I'm more than happy to pass that on.

MR. TORLEY: Speaking for the developer, you're going to say that the houses will not need variances for the standard size decks?

MR. WOLINSKY: Correct.

MR. KANE: If you would for the public hearing just bring a couple pictures.

MR. WOLINSKY: We submitted them with the application.

MR. KANE: Thank you. Accept a motion?

MR. TORLEY: Yes.

MS. CORSETTI: Do you have them?

MR. WOLINSKY: I know they were submitted, I have photocopies.

MS. CORSETTI: Bring them in for the public hearing.

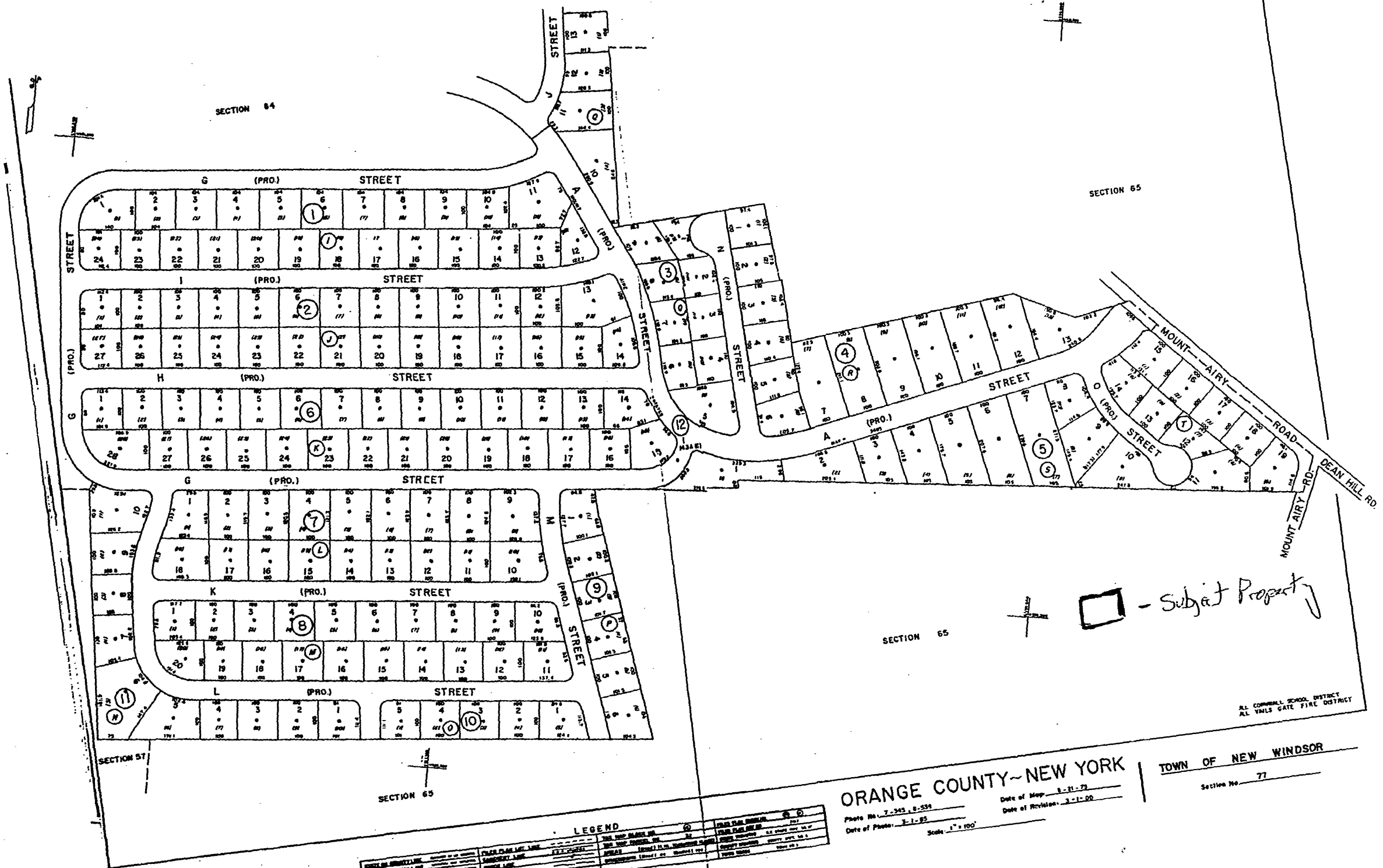
MR. WOLINSKY: Okay, I'll mount them on the board.

MR. KANE: Move that we set up Mt. Airy Estates for the public hearing on their requested variances for 2103 Patriot Court.

MR. REIS: Second it.

ROLL CALL

MR. RIVERA	AYE
MR. REIS	AYE
MR. KANE	AYE
MR. TORLEY	AYE



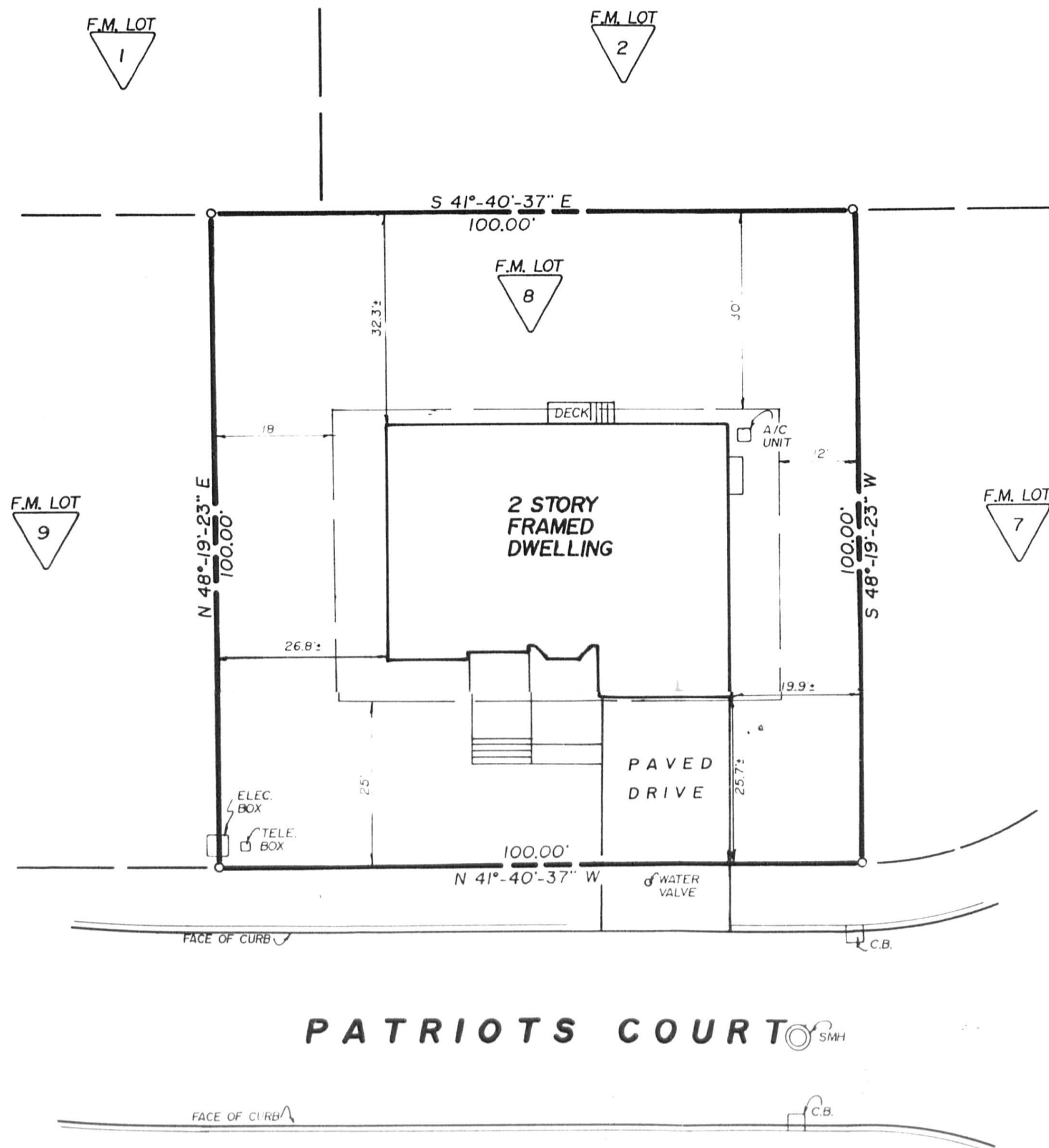
Prepared by
 ORANGE CO. TAX MAP DEPT.
 ORANGE ST., ORANGE, N.Y. 10964
 FOR TAX PURPOSES ONLY
 NOT TO BE USED FOR CONVEYANCE

LEGEND			
PROPERTY LINE	STREET CENTER LINE	STREET RIGHT-OF-WAY LINE	STREET RIGHT-OF-WAY LINE
STREET RIGHT-OF-WAY LINE	STREET RIGHT-OF-WAY LINE	STREET RIGHT-OF-WAY LINE	STREET RIGHT-OF-WAY LINE
STREET RIGHT-OF-WAY LINE	STREET RIGHT-OF-WAY LINE	STREET RIGHT-OF-WAY LINE	STREET RIGHT-OF-WAY LINE
STREET RIGHT-OF-WAY LINE	STREET RIGHT-OF-WAY LINE	STREET RIGHT-OF-WAY LINE	STREET RIGHT-OF-WAY LINE

ORANGE COUNTY~NEW YORK
 Photo No. 7-345, 8-554
 Date of Photo: 1-1-83
 Date of Map: 8-21-79
 Date of Revision: 3-1-80
 Scale: 1" = 100'

TOWN OF NEW WINDSOR
 Section No. 77

ALL COMMON SCHOOL DISTRICT
 ALL VAILS GATE FIRE DISTRICT



PATRIOTS COURT

AREA:
0.23 Ac.±

MAY 4, 2001

I HEREBY CERTIFY TO MOUNT AIRE ESTATES, INC. THAT THIS IS A TRUE AND ACCURATE SURVEY PERFORMED IN THE FIELD.



NOTES:

UNAUTHORIZED ALTERATIONS OR ADDITIONS TO A SURVEY MAP BEARING A LICENSED LAND SURVEYOR'S SEAL IS A VIOLATION OF SECTION 2209, SUBDIVISION 2 OF THE NEW YORK STATE EDUCATION LAW.

THE ALTERATION OF SURVEY MAPS BY ANYONE OTHER THAN THE ORIGINAL PREPARER IS MISLEADING, CONFUSING AND NOT IN THE GENERAL WELFARE AND BENEFIT OF THE PUBLIC. LICENSED LAND SURVEYORS, OR OTHER, SHALL NOT ALTER SURVEY MAPS, PLANS OR PLATS PREPARED BY OTHERS.

ONLY COPIES FROM THE ORIGINAL OF THIS SURVEY MAP NOT MARKED WITH AN ORIGINAL OF THE LAND SURVEYOR'S INKED SEAL OR EMBOSSED SEAL SHALL BE CONSIDERED TO BE VALID.

CERTIFICATIONS INDICATED HEREON SIGNIFY THAT THIS SURVEY WAS PREPARED IN ACCORDANCE WITH THE EXISTING CODE OF PRACTICE FOR LAND SURVEYORS ADOPTED BY THE STATE OF NEW YORK ASSOCIATION OF PROFESSIONAL LAND SURVEYORS. SAID CERTIFICATIONS SHALL RUN ONLY TO THE PERSON FOR WHOM THE SURVEY IS PREPARED, AND ON HIS BEHALF TO THE TITLE COMPANY, GOVERNMENTAL AGENCY, AND LENDING INSTITUTION LIMITED DEBTOR CERTIFICATIONS ARE NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS.

THIS SURVEY IS SUBJECT TO ANY EASEMENTS, RIGHTS OF WAY OR RESTRICTIONS OF RECORD AN ABSTRACT OF TITLE MAY DISCLOSE.

SUBSURFACE STRUCTURES AND/OR UTILITIES WHICH WERE NOT VISIBLE AT THE TIME OF THIS FIELD SURVEY MAY NOT BE SHOWN.

TAX MAP REFERENCE:

TOWN OF NEW WINDSOR
SECT. 77, BLK. 5, LOT 13

FILED MAP REFERENCE:

BEING LOT #8 BLOCK T OF A FILED SUBDIVISION MAP ENTITLED "MOUNT AIRE ESTATES" AND FILED IN THE ORANGE COUNTY CLERK'S OFFICE AS MAP #3465 ON JUNE 20, 1975.

11
12
13



LEO J. CARROLL, P.E., L.S.
& ASSOCIATES

83 Cemetery Rd, Middletown, NY 10940 (914) 343-7994

PROPERTY SURVEY

FOR:
MOUNT AIRE ESTATES, INC.
PATRIOTS COURT
TOWN OF NEW WINDSOR
ORANGE COUNTY, NEW YORK

REVISED:
5-4-01

SCALE:
1" = 20'
DATE:
6-14-00

DRAWN:
J.E.S.

CHECKED:
S.L.P.

SHEET NO.
1